

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN HOPKINS, et al.	)	
	)	Case No. 1:11-CV-02558
Plaintiffs,	)	
	)	JUDGE DONALD C. NUGENT
vs.	)	
	)	<b><u>ANSWER</u></b>
KEVIN M. CHARTRAND, et al.	)	
	)	<b><i>(Jury Demand Endorsed Hereon)</i></b>
Defendants.	)	

Now comes Defendant, Kevin Chartrand, named in both his official and individual capacities, through counsel and hereby submits his answer to the Complaint as follows:

**FIRST DEFENSE**

1. Denies the allegations contained in Paragraph 1 of the Complaint.
2. Admits only that he is the duly elected Geauga County Coroner as alleged in Paragraph 2 of the Complaint but denies all other allegations contained in Paragraph 2 of the Complaint.
3. Defendant is without sufficient knowledge or information to form an opinion or belief regarding the former Coroner and so denies those allegations and denies all other allegations contained Paragraph 3 of the Complaint.
4. Denies the allegations contained in Paragraphs 3 through 6, inclusive, of the Complaint.
5. Admits Plaintiffs were laid off as alleged in Paragraph 7 of the Complaint but denies all other allegations contained in Paragraph 7 of the Complaint.
6. Admits that a budget was proposed as is alleged in Paragraph 8 of the Complaint.
7. Admits the allegations contained in Paragraph 9 of the Complaint.

8. Denies the allegations contained in Paragraphs 10 through 14, inclusive, of the Complaint.

9. Admits the allegations contained in Paragraph 15 of the Complaint.

10. Denies the allegations contained in Paragraphs 16 through 28, inclusive, of the Complaint.

11. Defendant incorporates by reference his admissions and denials as if fully rewritten herein in response to Paragraph 29 of the Complaint.

12. Denies the allegations contained in Paragraphs 30, 31 and 32 of the Complaint.

13. Defendant incorporates by reference his admissions and denials as if fully rewritten herein in response to Paragraph 33 of the Complaint.

14. Admits only Plaintiffs were eligible to receive benefits under the FMLA in 2009 and 2010 as alleged in Paragraph 34 of the Complaint but denies the remainder of the allegations contained in Paragraph 34 of the Complaint.

15. Denies the allegations contained in Paragraphs 35, 36 and 37 of the Complaint.

16. Defendant incorporates by reference his admissions and denials as if fully rewritten herein in response to Paragraph 38 of the Complaint.

17. Admits only Plaintiffs were eligible to receive benefits under the FMLA in 2009 and 2010 as alleged in Paragraph 39 of the Complaint but denies the remainder of the allegations contained in Paragraph 39 of the Complaint.

18. Denies the allegations contained in Paragraphs 40, 41 and 42 of the Complaint.

19. Defendant incorporates by reference his admissions and denials as if fully rewritten herein in response to Paragraph 43 of the Complaint.

20. Denies the allegations contained in Paragraphs 44, 45 and 46 of the Complaint.

21. Defendant incorporates by reference his admissions and denials as if fully rewritten herein in response to Paragraph 47 of the Complaint.

22. Denies the allegations contained in Paragraphs 48 through 52, inclusive, of the Complaint.

23. Denies each and every allegation contained in the Complaint not specifically admitted herein to be true.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

24. The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

25. Insufficiency of service of process.

THIRD AFFIRMATIVE DEFENSE

26. Plaintiffs have failed to exhaust their administrative remedies and such claims are otherwise not timely or ripe.

SIXTH AFFIRMATIVE DEFENSE

27. Defendant has complied with Ohio Revised Code Chapters 124, 313 and all other applicable Ohio law.

FIFTH AFFIRMATIVE DEFENSE

28. Defendant has complied with the Family Medical Leave Act (FMLA).

SIXTH AFFIRMATIVE DEFENSE

29. Defendant has complied with the Fair Labor Standards Act (FLSA) and all applicable amendments.

SEVENTH AFFIRMATIVE DEFENSE

30. Defendant is entitled to absolute and/or qualified statutory immunities pursuant to R.C. Chapter 2744.

EIGHTH AFFIRMATIVE DEFENSE

31. Defendant is entitled to qualified immunity pursuant to federal law.

NINTH AFFIRMATIVE DEFENSE

32. Plaintiffs have failed to name or join necessary and/or indispensable parties.

TENTH AFFIRMATIVE DEFENSE

33. Plaintiffs were unclassified employees under Ohio law, R.C. Chapter 124.

ELEVENTH AFFIRMATIVE DEFENSE

34. Plaintiffs' claims are barred by *res judicata*.

TWELFTH AFFIRMATIVE DEFENSE

35. Plaintiffs' claims are barred by the doctrines of waiver, estoppel and/or laches.

THIRTEENTH AFFIRMATIVE DEFENSE

36. All acts performed by Defendant were done in good faith and based upon reasonable cause and are not in violation of law.

FOURTEENTH AFFIRMATIVE DEFENSE

37. Defendant reserves the right to amend his answer or add additional defenses after discovery or as they become known.

WHEREFORE, Defendant requests that the Complaint be dismissed, with prejudice, that costs be assessed against Plaintiffs and that Defendant be awarded reasonable attorneys fees and any other relief deemed just and appropriate by this Court.

**JURY DEMAND ENDORSEMENT**

Defendant hereby demands a trial by jury of the maximum number of jurors allowable by law.

/s/ James A. Budzik

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*Co-counsel for Defendant*

**CERTIFICATE OF SERVICE**

A copy of the foregoing Answer has been filed electronically with the Court. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ James A. Budzik

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*Counsel for Defendant Kevin M. Chartrand*